

Cont  
21  
\$1  
Cat

in which R denotes OH, x, y, and z are integers that depend on the weight-average molecular mass, and wherein the weight-average molecular mass ranges from 11,000 to 25,000.

## REMARKS

### I. Status of the Claims

Claims 17-21 and 23-36 are pending. Claim 22 has been cancelled. Claim 17 has been amended to include the subject matter of cancelled claim 22, with the exception that R now denotes OH, rather than OH or methyl. No new matter has been added.

### II. Information Disclosure Statement

The Office has informed Applicants that none of the documents listed on the International Search Report and PTO Form 1449, filed March 24, 2000, were attached as required under 37 CFR § 1.98(a)(2). The Office has requested that Applicants resubmit these documents for reconsideration.

Applicants submit herewith a copy of the date stamped postcard, which indicates that the references were submitted to the Patent Office along with the Information Disclosure Statement filed March 24, 2000. Therefore, Applicants believe that all requirements under 37 CFR § 1.98(a)(2) were met at the time the Information Disclosure Statement was filed. However, Applicants resubmit herewith a copy of the PTO-1449 and the documents for the Examiner's convenience and request that they now be considered.

### III. Specification

The Office has pointed out that the application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). Accordingly, an Abstract on a separate sheet is submitted herewith.

#### **IV. Rejection Under 35 U.S.C. § 102(b)**

The Office has rejected claims 17-32, 35 and 36 under 35 U.S.C. § 102(b) as being anticipated by WO 94/06403 ("Reich") for the reasons set forth at pages 3-4 of the outstanding Office Action. Applicants respectfully traverse this rejection for at least the following reasons.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. See M.P.E.P. § 2131. Reich fails to anticipate Applicants' claims because Reich does not teach the amine-comprising silicones of formulas (I) or (II) which are now recited in claim 17 as amended. In particular the aminosilicones of Reich on page 6 do not contain hydroxy substituents. For at least this reason, the rejection should be withdrawn.

#### **V. Rejections Under 35 U.S.C. § 103(a)**

##### **A. Reich Alone**

The Office has rejected claims 17-32 and 34-36 under 35 U.S.C. § 103(a) as being unpatentable over Reich, for the reasons provided at pages 4-5 of the Office Action. Applicants respectfully traverse this rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claimed limitations. See M.P.E.P. § 2143. As stated above, Applicants assert that Reich fails to teach or suggest the claimed amine-comprising

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

silicones of formulas (I) or (II) recited in amended claim 17. Accordingly, no *prima facie* case of obviousness has been made and the rejection should be withdrawn.

B. Reich In Combination With Akhter

Claims 17-21 and 23-37 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Reich alone or in combination with U.S. Patent No. 4,678,606 ("Akhter"). The reasons for this rejection are given at pages 5-6 of the Office Action. Applicants respectfully traverse this rejection.

As stated above, Applicants assert that Reich in combination with Akhter fails to teach or suggest the claimed amine-comprising silicones of formulas (I) or (II) recited in amended claim 17. Accordingly, no *prima facie* case of obviousness has been made and the rejection should be withdrawn.

**CONCLUSION**

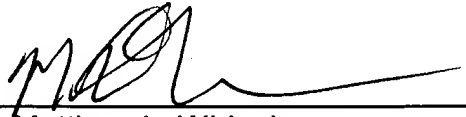
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 10, 2001

By:   
Matthew L. Whipple  
Reg. No. 47,217

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

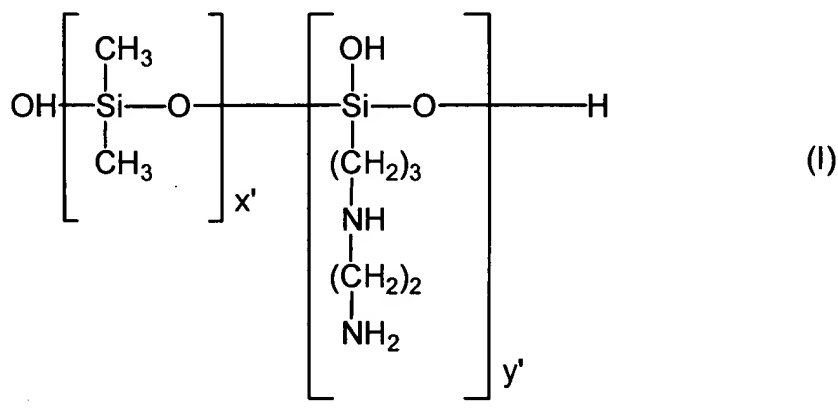
## APPENDIX

This appendix highlights the changes to the claims made in the Amendment filed September 10, 2001.

Claim 22 was cancelled without prejudice or disclaimer and replace claim 17 with amended claim 17 set forth below.

17. (Amended) A detergent and conditioning composition comprising, in a cosmetically acceptable medium, a washing base and a conditioning system, wherein the conditioning system comprises at least one cationic polymer and at least one amine-comprising silicone with a weight-average molecular mass ranging from 11,000 to 25,000, wherein the amine-comprising silicone is chosen from:

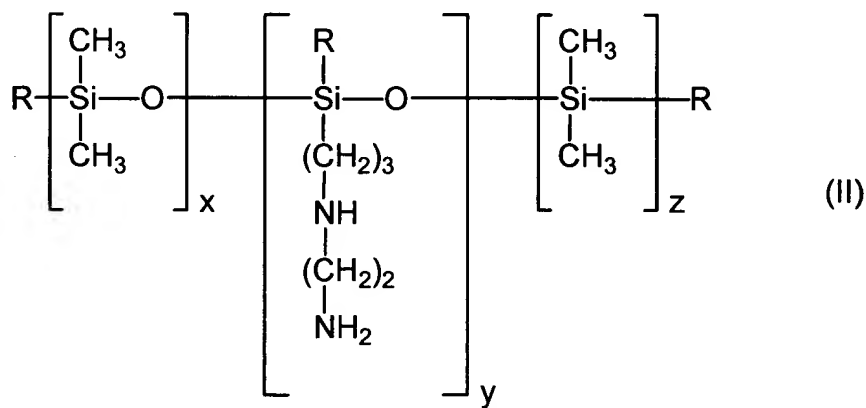
(a) polysiloxanes corresponding to the formula (I):



in which x' and y' are integers that depend on the weight-average molecular mass,

wherein the molecular mass ranges from 11,000 to 25,000, or

(b) polysiloxanes corresponding to the formula (II):



in which R denotes OH, x, y, and z are integers that depend on the weight-average

molecular mass, and wherein the weight-average molecular mass ranges from 11,000

to 25,000.

LAW OFFICES

FINNEGAN, HENDERSON,  
 FARABOW, GARRETT,  
 & DUNNER, L.L.P.  
 1300 I STREET, N. W.  
 WASHINGTON, DC 20005  
 202-408-4000

**Abstract**

B2

The invention concerns novel detergent and conditioning compositions comprising, in a cosmetically acceptable medium, a washing base and a conditioning system, wherein the conditioning system comprises at least one cationic polymer and at least one amine-comprising silicone with a weight average molecular mass ranging from 11,000 and 25,000. A process for washing and conditioning keratinous substances is also disclosed.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000